

ORIGINAL

FILED

June 2 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE  
STATE OF MONTANA

Supreme Court Cause No. DA 10-0211

Quentin M. Rhoades  
Robert D. Erickson  
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*For Appellant*

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JUN 02 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

DIETER SCHOLZ,

Respondent/Appellant,

v.

JILL M. LUNDSTROM,

Plaintiff/Appellee.

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MOTION FOR ENLARGEMENT OF TIME

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On Appeal from the Montana Twentieth Judicial District Court  
Sanders County, Cause No. DR-06-25  
Before Hon. C.B. McNeil

Dieter Scholz, the Appellant above-named, hereby moves the Court pursuant to MONT. R. APP. P. 26, for an Order allowing him an additional 30 days, or until July 26, 2010, in which to file his Appellant's principal brief.

On May 26, 2010, the court reporter completed the District Court's hearing transcripts for the hearings and trial in this case, and filed them with the Clerk of the Supreme Court. Appellant's brief is therefore due June 25, 2010.

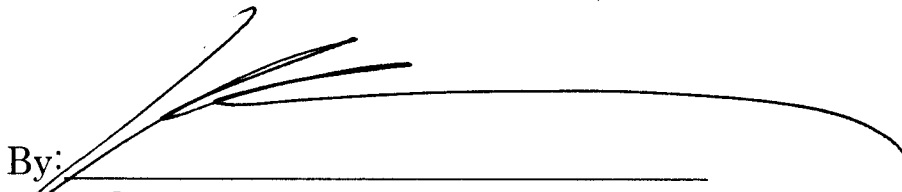
Appellant's undersigned counsel did not, however, serve as trial counsel in this case. It will therefore require extra time and care for appellant's counsel to become sufficiently familiar with the record to adequately prepare a principal brief. As a result, an enlargement of time is requested to allow for the additional effort needed for a meticulous review of the record and the thorough-going analysis of controlling law required for Appellant to submit a competently argued appellate brief. Additionally, the District Court transmitted the record to the Supreme Court prior to completion of the transcript by the court reporter. As a result, the copy of the transcript provided to appellant's

counsel has no trial exhibits attached. Appellant's counsel has made arrangements with a private service, at the direction of the Deputy Clerk of the Supreme Court, for copies to be made and mailed to appellant's counsel. Due to the pending Memorial Day holiday, however, these copies are not expected to be received by appellant's counsel until June 3. The undersigned respectfully requests this Court to grant an additional 30 days pursuant to MONT. R. APP. P. 26.

In compliance with MONT. R. APP. P. 16 (1), counsel for Appellee, Mr. Goen, has been contacted and **opposes** the filing of this motion.

DATED this 28<sup>th</sup> day of May, 2010.

SULLIVAN, TABARACCI & RHOADES, P.C.

By:   
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Quentin M. Rhoades  
Robert D. Erickson  
*For Appellants*

## CERTIFICATE OF SERVICE

I hereby certify that on the 28<sup>th</sup> day of May, 2010, I filed a true and accurate copy of the foregoing MOTION FOR ENLARGEMENT OF TIME with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing upon each attorney of record and each party not represented by an attorney in the above-referenced District Court action as follows:

Mr. Timothy G. Goen  
Attorney At Law  
P.O. Box 2317  
Thompson Falls, Montana 59873-2317

  
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Legal Assistant to Quentin M. Rhoades